

WaiversFirst Name Last Name Claim Number
[REDACTED] [REDACTED] W-19-0009
Amount OGC Received Date Assigned To Assigned Date
\$9072.32 05/28/2019 Kenneth Redden 05/28/2019
EPA Decision EPA Decision Date Amount Approved Status
APPROVED 12/16/2019 \$972.32 CLOSED
Appeal Comments
No
Type
Federal Employee Retirement System (FERS)

Attachments

From: Redden, Kenneth
Sent: Monday, December 16, 2019 12:39 PM
To: [REDACTED]
Cc: Sisson, Ann <Sisson.Ann@epa.gov>; Stewart, Leonice
<Stewart.Leonice@epa.gov>; Church, Stacey <Church.Stacey@epa.gov>;
Lavergne, Dany <lavergne.dany@epa.gov>; Tammy Johnson
<tammy_johnson@ibc.doi.gov>
Subject: Waiver of Indebtedness Application (Debt ID #M191000011)

[REDACTED]
This email is in response to your Application for Waiver of Debt Repayment related to Debt ID #M1910000011 in the amount of \$9,072.32 dated May 1, 2019. For the reasons set forward below, your request for a waiver is granted.

Background

The resulting debt was the result of Agency administrative errors that occurred from when you first joined the Agency in May 2016, from [REDACTED] to when you discovered the administrative errors in January 2019. You discovered these administrative errors after comparing your Leave & Earnings Statement to that of a colleague. Further research on your part revealed that the Agency had incorrectly designated you, on your Standard Form (SF) 50s, with the code "M-FERS & FICA- SPECIAL" with a corresponding Federal Employees Retirement System (FERS) contribution of 1.3% instead of the code "MF-FERS-FRAE & FICA SP" with a corresponding FERS contribution of 4.9%. The difference in the amount of your FERS contribution for the two FERS retirement codes was the cause of the \$9,072.32 debt that appears in the April 10, 2019 Bill of Collection sent to you from the Interior Business Center. In response to the Bill of Collection, you timely submitted an Application for Waiver of Debt Repayment.

Analysis

Under 5 U.S.C. §5584, I have the authority to waive collection of erroneous payments or allowances, if collection would be against equity and good conscience and not in the best interest of the United States, provided there is no indication of fraud, fault, misrepresentation or lack of good faith on the part of the employee. Waiver is precluded if the employee is aware or should have been aware that he or she was being overpaid. B-271308, April 18, 1996.

In the present case, the record clearly indicates that the Agency was at fault for the administrative errors at issue. Therefore, the only issue before me is whether you knew or should have known that you were placed in the wrong retirement code. In my review of the documents of the record, I find that you neither knew nor reasonably could have known you were erroneously placed in the wrong retirement code.

[REDACTED] it was completely reasonable for you to have not known what the appropriate retirement code should be on your SF 50s and the associated FERS retirement contributions. For that reason, I find that your reliance on the Agency to place you in the right retirement code category was reasonable.

Accordingly, all the criteria for waiver of this claim has been met, and this request for waiver is approved in the amount of \$9,072.32. By copy of this email, I am advising that OCFO should work with the Interior Business Center to waive repayment and to refund to you any money that was already paid by you toward this debt.